

REMARKS

Claims 1-21 are currently pending in the present application, with claims 1-2, 5-6, and 9 being written in independent form. No amendments are currently being made to the claims.

Restriction Requirement

The Examiner has imposed a Restriction Requirement and requested that Applicants elect one of four identified groups of claims for prosecution in connection with the present application. The four groups of claims are as follows:

- Group I: claims 1-5, 7, 11-20, drawn to a gene encoding a protein that catalyzes biosynthesis of piperitol or sesamin, a recombinant expression vector, transformant, and methods of producing piperitol and/or sesamin, producing a transformant containing an enhanced amount of lignin or reduced amount of lignin;
- Group II: claims 6 and 8-9, drawn to protein;
- Group III: claim 10, drawn to an antibody; or
- Group IV: claim 21, drawn to a gene detecting device.

If Groups I or II are elected, the Examiner is *also* requiring an election of one of the following amino acid sequences:

SEQ. ID NO. 1;
SEQ. ID NO. 64; or
SEQ. ID NO. 78.

If Group I is elected, the Examiner is requiring a *further* election of one of the following nucleic acid sequences:

SEQ. ID NO. 2;
SEQ. ID NO. 65; or
SEQ. ID NO. 79.

Election

Applicants respectfully elect, with traverse, Group I, amino acid SEQ. ID NO. 1, and nucleic acid SEQ. ID NO. 2, which includes claims 1-5, 7, and 11-20. Applicants reserve the right to file a divisional application for the non-elected claims during the pendency of this application.

To justify the above restriction requirement, the Examiner asserts that “[t]he technical feature linking the inventions appear to be a piperitol or sesamin, however, this feature is not special because it does not constitute an advancement over the prior art,” further asserting that “Ozaki et al (US Patent 5209826) teach processes for isolating sesamin from episesamin.”¹ Applicants respectfully disagree.

The technical relationship among the alleged groups is not merely “a piperitol or sesamin,” as asserted by the Examiner. Rather, it is clear from at least independent claim 1 (Group I) and independent claims 6, 9 (Group II) that the alleged groups share a special technical feature of “a protein that catalyzes biosynthesis of at least one” of “piperitol and sesamin.” It should be noted that claim 10 (Group III) and claim 21 (Group IV) also share this special technical feature by virtue of their dependency from independent claim 1 (Group I). Thus, alleged Groups I-IV all share this special technical feature so as to form a single general inventive concept.

¹ *Restriction Requirement (09/17/2009): p. 2.*

Furthermore, Ozaki merely discloses a “method of *separating* sesamin and episesamin.”² Thus, Ozaki fails to disclose or suggest the special technical feature of “a protein that catalyzes *biosynthesis* of at least one” of “piperitol and sesamin.” Accordingly, Applicants submit that the above restriction requirement is improper.

² Ozaki: Title; Abstract.

CONCLUSION

In view of the above, Applicants respectfully request the allowance of all of the pending claims in the present application.

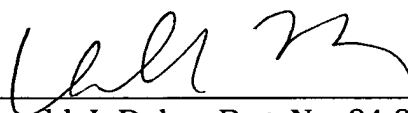
Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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